

shall not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(f) REPORT REQUIRED.—The Secretary of State shall submit to the appropriate congressional committees a report on the supply of rare earth minerals in Afghanistan during the period after the Taliban gained control of Afghanistan.

(g) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) FOREIGN PERSON.—The term “foreign person” means any individual or entity that is not a United States person.

(4) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 4578. Ms. ERNST (for herself, Ms. HASSAN, Mr. GRASSLEY, Mr. CRAMER, Mrs. FEINSTEIN, Mr. BURR, Mr. TILLIS, Mr. RISCH, Mrs. GILLIBRAND, Mr. TESTER, Mr. MORAN, Mrs. CAPITO, Mr. HOEVEN, Mr. BOOZMAN, Mr. LANKFORD, Mr. WARNOCK, Mr. ROMNEY, Mr. CORNYN, Ms. BALDWIN, Mr. PETERS, Ms. COLLINS, Mrs. HYDE-SMITH, Mr. WICKER, Mr. BRAUN, Mr. BLUMENTHAL, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. KELLY, Mr. SASSE, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. VAN HOLLEN, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ NATIONAL GLOBAL WAR ON TERRORISM MEMORIAL.

(a) SITE.—Notwithstanding section 8908(c) of title 40, United States Code, the National Global War on Terrorism Memorial authorized by section 2(a) of the Global War on Terrorism War Memorial Act (40 U.S.C. 8903 note; Public Law 115–51; 131 Stat. 1003) (referred to in this section as the “Memorial”) shall be located within the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) APPLICABILITY OF COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall apply to the Memorial.

SA 4579. Mr. COONS (for himself, Mr. MERKLEY, Mr. RUBIO, and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. DESIGNATION OF CERTAIN RESIDENTS OF THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) IN GENERAL.—

(1) PRIORITY 2 PROCESSING.—Persons of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system shall include—

(A) Uyghurs and members of other predominately Turkic or Muslim ethnic groups, including Kazakhs and Kyrgyz, who are residents of, or fled from, the Xinjiang Uyghur Autonomous Region and who suffered persecution or have a well-founded fear of persecution on account of their imputed or actual religious or ethnic identity;

(B) Uyghurs and members of other predominately Turkic or Muslim ethnic groups, including Kazakhs and Kyrgyz, who have been formally charged, detained, or convicted by the Government of the People's Republic of China on account of their peaceful actions in the Xinjiang Uyghur Autonomous Region, as described in the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145); and

(C) the spouses, children, and parents (as such terms are defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) of individuals described in subparagraph (A) or (B), except such parents who are citizens of a country other than the People's Republic of China.

(2) PROCESSING OF XINJIANG UYGHUR AUTONOMOUS REGION REFUGEES.—The processing of individuals described in paragraph (1) for classification as refugees may occur in China or in another foreign country.

(3) ELIGIBILITY FOR ADMISSION AS REFUGEES.—An alien may not be denied the opportunity to apply for admission as a refugee under this subsection primarily because such alien—

(A) qualifies as an immediate relative of a citizen of the United States; or

(B) is eligible for admission to the United States under any other immigrant classification.

(4) FACILITATION OF ADMISSIONS.—Certain applicants for admission to the United States from the Xinjiang Uyghur Autonomous Region may not be denied primarily on the basis of a politically motivated arrest, detention, or other adverse government action taken against such applicant as a result of the participation by such applicant in religious, cultural, or protest activities.

(5) BILATERAL DIPLOMACY.—The Secretary of State shall prioritize bilateral diplomacy with foreign countries hosting former residents of the Xinjiang Uyghur Autonomous Region who face significant diplomatic pressure from the Government of the People's Republic of China.

(6) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens eligible for Priority 2 processing under this subsection who are provided refugee status shall not be counted against any numerical limitation under section 201, 202, 203, or 207 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, 1153, and 1157).

(7) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State and the Secretary of Homeland Security shall jointly submit a report containing the matters described in subparagraph (B) to—

(i) the Committee on the Judiciary of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on the Judiciary of the House of Representatives; and

(iv) the Committee on Foreign Affairs of the House of Representatives.

(B) MATTERS TO BE INCLUDED.—Each report required under subparagraph (A) shall include—

(i) the total number of applications from individuals described in paragraph (1) that are pending at the end of the reporting period;

(ii) the average wait-times and the number of such applicants who, at the end of the reporting period, are waiting for—

(I) a prescreening interview with a resettlement support center;

(II) an interview with U.S. Citizenship and Immigration Services;

(III) the completion of security checks; or

(IV) receipt of a final decision after completion of an interview with U.S. Citizenship and Immigration Services; and

(iii) the number of individuals who applied for refugee status under this subsection whose application was denied, disaggregated by the reason for each such denial.

(C) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(D) PUBLIC REPORTS.—The Secretary of State shall make each report submitted under this paragraph available to the public on the internet website of the Department of State.

(8) SATISFACTION OF OTHER REQUIREMENTS.—Aliens eligible under this subsection for Priority 2 processing under the refugee resettlement priority system shall satisfy the requirements under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

(b) WAIVER OF IMMIGRANT STATUS PRESUMPTION.—

(1) IN GENERAL.—The presumption under the first sentence of section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) that every alien is an immigrant until the alien establishes that the alien is entitled to nonimmigrant status shall not apply to an alien described in paragraph (2).

(2) ALIEN DESCRIBED.—

(A) IN GENERAL.—Subject to subparagraph (B), an alien described in this paragraph is an alien who—

(i)(I) is an Uyghur or a member of another predominately Turkic or Muslim ethnic group, including Kazakhs and Kyrgyz, and was a resident of the Xinjiang Uyghur Autonomous Region on January 1 2021; or

(II) fled the Xinjiang Uyghur Autonomous Region after June 30, 2009 and resides in a different province of China or in another foreign country;

(ii) is seeking entry to the United States to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158); and

(iii) is facing repression in the Xinjiang Uyghur Autonomous Region by the Government of the People's Republic of China including—

(I) forced and arbitrary detention including in internment and reeducation camps;

(II) forced political indoctrination, torture, beatings, food deprivation, and denial of religious, cultural, and linguistic freedoms;

(III) forced labor;

(IV) forced separation from family members; or

(V) other forms of systemic threats, harassment, and gross human rights violations.

(B) EXCLUSION.—An alien described in this paragraph does not include any alien who—

(i) is a citizen or permanent resident of a country other than the People's Republic of China; or

(ii) is determined to have committed a gross violation of human rights.

(3) INTENTION TO ABANDON FOREIGN RESIDENCE.—The filing by an alien described in paragraph (2) of an application for a preference status under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or otherwise seeking permanent residence in the United States shall not be deemed as evidence of the alien's intention to abandon a foreign residence for purposes of obtaining a visa as a nonimmigrant described in subparagraph (H)(i)(b), (H)(i)(c), (L), or (V) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)) or otherwise obtaining or maintaining the status of a nonimmigrant described in any such subparagraph if the alien had obtained a change of status under section 208 of such Act to a classification as such a nonimmigrant before the alien's most recent departure from the United States.

(C) REFUGEE AND ASYLUM DETERMINATIONS UNDER THE IMMIGRATION AND NATIONALITY ACT.—

(1) PERSECUTION ON ACCOUNT OF POLITICAL, RELIGIOUS, OR CULTURAL EXPRESSION OR ASSOCIATION.—

(A) IN GENERAL.—An alien who is within a category of aliens established under this section may establish, for purposes of admission as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

(B) NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of refugee determinations under this section in accordance with section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), a national of the People's Republic of China whose residency in the Xinjiang Uyghur Autonomous Region, or any other area within the jurisdiction of the People's Republic of China, as determined by the Secretary of State, is revoked for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the im-

migration laws shall be considered to have suffered persecution on account of political opinion.

(2) CHANGED CIRCUMSTANCES.—For purposes of asylum determinations under this section in accordance with section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), the revocation of the citizenship, nationality, or residency of an individual for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws shall be considered to be changed circumstances under subsection (a)(2)(D) of such section.

(d) STATEMENT OF POLICY ON ENCOURAGING ALLIES AND PARTNERS TO MAKE SIMILAR ACCOMMODATIONS.—It is the policy of the United States to encourage allies and partners of the United States to make accommodations similar to the accommodations made under this section for Uyghurs and members of other predominately Turkic or Muslim ethnic groups, including Kazakhs and Kyrgyz, who were previously residents of the Xinjiang Uyghur Autonomous Region and are fleeing oppression by the Government of the People's Republic of China.

(e) SUNSET CLAUSE.—This section shall cease to have effect on the date that is 10 years after the date of the enactment of this Act.

SA 4580. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1601 and insert the following:

SEC. 1601. MATTERS CONCERNING CYBER PERSONNEL REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) determine the overall workforce requirement of the Department of Defense for cyber and information operation military personnel across the active and reserve components of the Armed Forces (other than the Coast Guard) and for civilian personnel, and in doing so shall—

(A) consider personnel in positions securing the Department of Defense Information Network and associated enterprise information technology, defense agencies and field activities, and combatant commands, including current billets primarily associated with the information environment and cyberspace domain and projected future billets;

(B) consider the mix between military and civilian personnel, active and reserve components, and the use of the National Guard;

(C) develop a workforce development plan for military and civilian personnel that covers accessions, training, education, recruitment, retention, fair and competitive compensation, enlistment standards and screening tools, analysis of recruiting resources and sustainment of the workforce, and metrics to evaluate success; and

(D) consider such other elements as the Secretary determines appropriate;

(2) assess current and future general information warfare and cyber education curriculum and requirements for military and civilian personnel, including—

(A) acquisition personnel;

(B) accessions and recruits to the military services;

(C) cadets and midshipmen at the military service academies and enrolled in the Senior Reserve Officers' Training Corps;

(D) information environment and cyberspace military and civilian personnel; and

(E) non-information environment and cyberspace military and civilian personnel;

(3) assess the talent management value for the Department's cyber workforce requirement of cyberspace and information environment-related scholarship-for-service programs, including—

(A) the CyberCorps: Scholarship for Service (SFS);

(B) the Department of Defense Cyber Scholarship Program (DoD CySP);

(C) the Department of Defense Science, Mathematics, and Research for Transformation (SMART) Scholarship-for-Service Program;

(D) the Stokes Educational Scholarship Program; and

(E) the OnRamp II Scholarship Program;

(4) identify appropriate locations for information warfare and cyber education for military and civilian personnel as the Secretary considers appropriate, including—

(A) the military service academies;

(B) the educational institutions described in section 2151(b) of title 10, United States Code;

(C) the Air Force Institute of Technology;

(D) the National Defense University;

(E) the Joint Special Operations University;

(F) any other military educational institution of the Department specified by the Secretary for purposes of this section;

(G) the Cyber Centers of Academic Excellence certified jointly by the National Security Agency and the Department of Homeland Security; and

(H) potential future educational institutions of the Federal Government, including an assessment, in consultation with the Secretary of Homeland Security and the National Cyber Director, of the potential components of a National Cyber Academy or similar institute created for the purpose of educating and training civilian and military personnel for service in cyber, information, and related fields throughout the Federal Government; and

(5) determine—

(A) the cyberspace domain and information warfare mission requirements of an undergraduate- and graduate-level professional military education college on par with and distinct from the war colleges for the Army, Navy, and Air Force;

(B) what curriculum such a college should instruct;

(C) whether such a college should be joint;

(D) where it should be located;

(E) where such college should be administered;

(F) interim efforts to improve the coordination of existing cyber and information environment education programs; and

(G) the feasibility and advisability of partnering with and integrating a Reserve Officers' Training Corps (ROTC) program, which shall include civilian personnel, dedicated to cyber and information environment operations.

(b) BRIEFING AND REPORT REQUIRED.—Not later than May 31, 2022, the Secretary shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing and, not later than September 30, 2022, the Secretary shall submit to such committees a report on—

(1) the findings of the Secretary in carrying out subsection (a);